

107TH CONGRESS
2D SESSION

H. CON. RES. 518

Expressing the sense of Congress that the deployment of United States Armed Forces against Iraq without prior specific authorization by the United Nations Security Council and specific congressional authorization pursuant to a declaration of war would constitute a violation of the obligations of the United States under the United Nations Charter and a violation of the United States Constitution, respectively.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2002

Ms. CARSON of Indiana submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the deployment of United States Armed Forces against Iraq without prior specific authorization by the United Nations Security Council and specific congressional authorization pursuant to a declaration of war would constitute a violation of the obligations of the United States under the United Nations Charter and a violation of the United States Constitution, respectively.

Whereas the United States form of government was founded upon many principles, including the principle of “a decent respect [for] the opinions of mankind”;

Whereas the United States, like most other countries, is a member of the United Nations by reason of being a party to the Charter of the United Nations (signed at San Francisco on June 26, 1945), an international treaty establishing the United Nations and setting forth the responsibilities and obligations of members of the United Nations;

Whereas Article VI, clause 2 of the United States Constitution provides in part that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the land”;

Whereas the United Nations Charter prohibits any member nation from initiating the use of force against any other nation in the absence of authorization from the United Nations Security Council unless such use of force is used for purposes of self-defense;

Whereas violation by a member nation of this prohibition contained in the United Nations Charter would constitute a violation of that nation’s obligations under the Charter and, with respect to such a violation by the United States, would constitute a violation of “the supreme Law” of the United States;

Whereas Article I, section 8, clause 11 of the United States Constitution provides Congress with the exclusive authority to declare war;

Whereas this authority to declare war cannot be delegated to any other branch of the United States Government except by an amendment to the Constitution; and

Whereas section 3(a) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), enacted on October 16, 2002, which provides that “[t]he President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq”, is an unconstitutional delegation by Congress to the President of the authority to determine whether the United States shall initiate war against Iraq: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that the de-
3 ployment of United States Armed Forces against Iraq
4 without prior specific authorization by the United Nations
5 Security Council and specific congressional authorization
6 pursuant to a declaration of war would constitute a viola-
7 tion of the obligations of the United States under the
8 United Nations Charter and a violation of Article I, sec-
9 tion 8, clause 11 of the United States Constitution, respec-
10 tively.

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